

April 20 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0084

SHELLY WEIDOW,

Petitioner and Appellee,

v.

UNINSURED EMPLOYERS' FUND,

Respondent, Third-Party Petitioner and Appellee,

v.

BRADLEY HOWARD/HOWARD FAMILY 1995 TRUST,

Third-Party Respondent and Appellant

FILED
APR 20 2010
ED SMITH
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

On March 9, 2010, we issued an order stating it is “unclear to us whether the Workers’ Compensation Court has entered a final order disposing of all claims as to all parties, in which case certification under M. R. App. P. 54(b) is not necessary” or whether an appeal prior to final judgment is appropriate under Rule 54.

On March 15, 2010, Appellant, Bradley Howard/Howard Family 1995 Trust, filed a Corrected Notice of Appeal indicating that this appeal is not taken pursuant to Rule 54.

Appellee Shelly Weidow (Weidow), has filed an objection to the Corrected Notice of Appeal. Weidow contends that the only issue decided thus far is the issue of casual employment; that there is no final judgment as to all issues raised in this matter.

The Bradley Howard Family 1995 Trust counters that the Workers’ Compensation Court has addressed all issues presented in the pre-trial ordered and, pursuant to ARM 24.5.348(2) has certified the matter final.

IT IS THEREFORE ORDERED that:

1. Weidow's objection to the corrected notice of appeal is overruled.
2. This appeal shall proceed pursuant to the M. R. App. P. with all relevant time periods starting from the date of this order.

The Clerk is directed to mail a true copy of this Order to all counsel of record.

DATED this 9th day of April, 2010.

W. William Lupton

James S.

Patricia Celler

Jim Rice

Barbara M. Muni

Justices